

**REMARKS**

Claims 1-22, as amended, and new claims 24-26 are pending in this application. In this Response, Applicant has amended certain claims in accordance with 37 C.F.R. § 1.173. In light of the Office Action, Applicant believes these amendments serve a useful clarification purpose, and are desirable for clarification purposes, independent of patentability. Accordingly, Applicant respectfully submits that the claim amendments do not limit the range of any permissible equivalents. For example, claims 1 and 5 have been rewritten to clarify the invention recited therein, specifically that the cover layer surrounds the golf ball core, which is supported by the original disclosure. Col. 5, lines 36-40. Accordingly, claim 13 has been rewritten to further describe the core of the golf ball, which is also supported by the original disclosure. *Id.* In addition, the majority of the claims have been further amended over those originally issued in U.S. Patent No. 5,691,066 to correct minor grammatical issues including the use of "said."

Claims 3 and 22 have also been rewritten to include the features previously recited in claim 10 and now-canceled claim 23, respectively. Moreover, claims 7 and 10 have been rewritten to change the dependency recited therein based on the amendments to claim 3. As no new matter has been added, Applicant respectfully requests entry of these amendments at this time.

**OBVIOUSNESS-TYPE DOUBLE PATENTING**

Claims 1-13, 15-17, and 22-26 were rejected under the judicially created doctrine of obviousness-type double patenting as being obvious over claims 1-34 of U.S. Patent No. 5,962,140 to Rajagopalan in view of U.S. Patent No. 5,586,950 to Endo. In addition, claims 14 and 18-21 were rejected under the judicially created doctrine of obviousness-type double patenting as being obvious over claims 1-34 of Rajagopalan in view of Endo and further in view of U.S. Patent No. 5,702,311 to Higuchi *et al.*

Applicant submits a terminal disclaimer to obviate the double patenting rejections. However, Applicant respectfully submits that the filing of the terminal disclaimer is not an admission of the propriety of the rejection and raises neither a presumption nor estoppel on the merits of the rejection (*see, e.g., Quad Environmental Technologies Corp. v. Union Sanitary District*, 946 F.2d 870 (Fed. Cir. 1991)).

In light of the Terminal Disclaimer, Applicant respectfully requests reconsideration and withdrawal of the double patenting rejections.

### **THE REJECTIONS UNDER 35 U.S.C. § 103**

Claims 1-5, 7, 9, 11, 13, 22, and 24 were rejected under 35 U.S.C. § 103(a) as obvious over U.S. Patent No. 5,397,829 to Morgan *et al.* or U.S. Patent No. 5,547,761 to Chapman, Jr. *et al.* for the reasons set forth on page 4 of the Office Action. In addition, the Examiner rejected claim 14 under § 103(a) as obvious over Morgan or Chapman in view of U.S. Patent No. 5,702,311 to Higuchi *et al.* as provided on page 5 of the Office Action. Applicant respectfully submits that Morgan or Chapman alone (or in combination with Higuchi) does not render the present invention obvious for the following reasons.

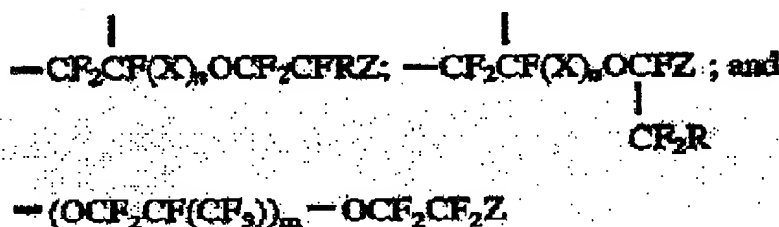
As a threshold matter, it appears that Morgan and Chapman have almost identical disclosures. As such, the discussion below applies to both references. Morgan and Chapman generally disclose tetrafluoroethylene (TFE) / hexafluoropropylene (HFP) copolymers for use in coatings. *See* Morgan at Abstract and Col. 13, lines 3-6; *see also* Chapman at Abstract and Col. 12, lines 36-39. It appears that the Examiner uses the embodiment of Morgan where the TFE / HFP copolymer further includes an additional comonomer and, specifically, a perfluoro(alkylvinyl) ether with a carboxylic acid terminal group. Office Action at Page 4; *see also* Morgan at Col. 7, line 57 to Col. 8, line 25; Chapman at Col. 7, line 44 to Col. 8, line 11.

With regard to independent claim 1, neither Morgan nor Chapman teach or suggest the use of the TFE / HFP compositions in golf ball cover layers. Rather, the disclosure is limited to coatings atop golf ball covers (Morgan at Col. 13, lines 3-6; Chapman at Col. 12, lines 36-39). As known to those of ordinary skill in the art, a coating layer applied to a golf ball is much thinner than a structural cover layer of a golf ball. In fact, according to both Morgan and Chapman, the very thin coating may be as little as 200 angstroms or even as little as 100 angstroms or even as little as 50 angstroms. Morgan at Col. 13, lines 43-48; Chapman at Col. 13, lines 6-11. Based on this "thickness," a skilled artisan would not have been motivated to form a structural cover layer of a golf ball over a core (absent the instant application to use as a further teaching tool) at least because the golf ball would lack the desired durability.

Similarly, independent claim 5 features a golf ball with a cover layer and a coating layer formed from the recited fluoropolymer. While Morgan and Chapman generally disclose a

composition based on TFE / HFP that can also include an additional comonomer including perfluorovinyl ether, both disclosures are completely silent as to the use of such a coating composition in a structural layer of a golf ball and the coating layer, as recited in claim 5. For the same reasons as discussed above, it would not have been obvious to use a coating composition in a structural layer of a golf ball.

With respect to claim 3, Applicant has amended this claim to include the fluoropolymer previously featured in claim 10. In particular, the fluoropolymer recited in claim 3 has molecular units selected from the group consisting of



where X is O(CF<sub>2</sub>)<sub>2-10</sub>, OCF<sub>2</sub>CFY, or OCFYCF<sub>2</sub> with Y=F or CF<sub>3</sub>; Z is selected from the group consisting of SO<sub>2</sub>F, SO<sub>3</sub>H, SO<sub>3</sub>M<sup>v+</sup>, COF, CO<sub>2</sub>H, and CO<sub>2</sub>M<sup>v+</sup>, where v is the valence of M and M is a cation selected from Group I, Ia, IIa, IIb, IIIa, IIIb, IVa, IVb and transition elements; R is F or a perfluoroalkyl group having up to 10 carbon atoms; n is 0, 1 or 2; and m is 7-10. Neither Morgan nor Chapman even suggests such a fluoropolymer for use in a coating composition.

Finally, it appears that the Examiner recognizes that neither Morgan nor Chapman, even in combination with Higuchi, disclose or even suggest the embodiment of the invention where the fluoropolymer is a terpolymer, such as the invention recited in independent claims 6, 18, 25, and 26 and claims depending therefrom. Applicant reiterates the complete lack of any teaching in the cited references regarding a composition for use in golf ball manufacturing, even in coatings, that include the presently recited terpolymer. Accordingly, in an effort to accelerate the allowance of claim 22, Applicant has rewritten claim 22 to include the features of claim 23, directed to the fluoropolymer as a terpolymer.

**APR 22 2008**

For at least the reasons above, Applicant respectfully submit that no combination of the cited references render the present invention obvious. Therefore, Applicant respectfully requests reconsideration and withdrawal of the § 103 rejections.

### **CONCLUSION**

All claims are believed to be in condition for allowance. If the Examiner believes that the present remarks still do not resolve all of the issues regarding patentability of the pending claims, Applicants invite the Examiner to contact the undersigned attorneys to discuss any remaining issues.

A Petition for Extension of Time is submitted to extend the time for response three months to and including April 22, 2008. No other fees are believed to be due at this time. Should any fee be required, however, please charge such fee to Hanify & King, P.C. Deposit Account No. 50-4545, Order No. 20002.0088.

Respectfully submitted,  
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